

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) ECF Case
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This document relates to:

Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al., Case No. 03 Civ. 9849

**[Proposed] CLERK’S CERTIFICATE OF DEFAULT AS TO DEFENDANT
THE REPUBLIC OF THE SUDAN**

I, DANIEL ORTIZ, Acting Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was transferred to this Court by the Judicial Panel on Multidistrict Litigation on December 11, 2003, after having been commenced on August 15, 2002, with the filing, in the U.S. District Court for the District of Columbia, of a summons and complaint, with amendments filed on September 4, 2002, and November 22, 2002.

Service was effectuated on the Republic of Sudan through diplomatic channels by the United States Department of State on December 9, 2004, pursuant to 28 U.S.C. § 1608(a)(4), and proof of service was provided to the Clerk’s Office by the United States Department of State by letter dated January 12, 2005, with notation made of this proof of service by the Clerk’s Office for the U.S. District Court for the Southern District of New York on March 25, 2005. ECF No. 2521-1. Plaintiffs filed a separate proof of service on December 19, 2011. ECF No. 2520, Ex. A.

I further certify that the Clerk of the Court previously entered a certificate of default as to Sudan on March 15, 2012, *see* ECF No. 2575, which the Court vacated on August 10, 2023. ECF No. 9278 at 32.

I further certify that Plaintiffs filed and served on Defendant Sudan Plaintiffs’ Consolidated Amended Complaint as to Sudan, with the Court’s permission, via the Court’s ECF

on November 20, 2020, which constituted sufficient service of process by virtue of Sudan's agreement to accept service of the Consolidated Amended Complaint via ECF. ECF Nos. 6521, 6539.

I further certify that, on August 10, 2023, the United States District Court for the Southern District of New York denied Sudan's motion to dismiss the claims of the *Burnett* plaintiffs against Sudan. ECF No. 9278. On September 3, 2024, the United States Court of Appeals for the Second Circuit ("Second Circuit") granted Plaintiffs motion to dismiss Sudan's appeal of the district court's August 10 Order (2d Circuit Dkt. No. 23-1308, Doc. No. 78 (Sept. 3, 2024)). On September 24, 2024, the Second Circuit issued a mandate in the form of an "Amended Judgment" which "ORDERED, ADJUDGED and DECREED" that Sudan's appeal was dismissed. ECF No. 10394; 2d Circuit Dkt. No. 23-1308, Doc. No. 86 (Sept. 24, 2024).

I further certify that more than 14 days have now elapsed since the Second Circuit's mandate was returned to this Court, and the docket entries in the above captioned case indicate that Sudan has not filed an answer or otherwise moved with respect to the Consolidated Amended Complaint as to Sudan in the *Burnett* case, and the time for Sudan to have done so has now expired. The default of the Defendant Sudan is hereby noted in favor of the Plaintiffs in the *Burnett* case.

Dated: New York, New York

_____, 2024

DANIEL ORTIZ
Acting Clerk of Court

By: _____
Deputy Clerk